

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

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No. 05-12089  
Non-Argument Calendar

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FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT MAY 18, 2006 THOMAS K. KAHN CLERK
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D. C. Docket No. 04-00301-CR-2-LSC-JEO

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

FLOYD SOMERVILLE,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Alabama

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**(May 18, 2006)**

Before BLACK, BARKETT and HULL, Circuit Judges.

PER CURIAM:

Floyd Somerville appeals his conviction for possession of a firearm by a

convicted felon, in violation of 18 U.S.C. §§ 922(g)(1) and 924(e). On appeal, Somerville argues that he received ineffective assistance of defense counsel in connection with his guilty plea, pointing to what he asserts are numerous errors committed by his defense counsel. Somerville does not raise any other issues.

“We will not generally consider claims of ineffective assistance of counsel raised on direct appeal where the district court did not entertain the claim nor develop a factual record. If the record is sufficiently developed, however, . . . [we] will consider an ineffective assistance of counsel claim on direct appeal.” United States v. Bender, 290 F.3d 1279, 1284 (11th Cir. 2002) (citations and quotation marks omitted). The preferable means for deciding a claim of ineffective assistance of counsel is through a 28 U.S.C. § 2255 motion, “even if the record contains some indication of deficiencies in counsel’s performance.” Massaro v. United States, 538 U.S. 500, 504-05, 123 S. Ct. 1690, 1694 (2003).

The record is not sufficiently developed to allow us to review Somerville’s claims of ineffective assistance of counsel, particularly as Somerville attempted to offer evidence of the ineffective assistance into the record for the first time on appeal. The means for Somerville to raise those claims is through a § 2255 motion. Accordingly, we do not address his ineffective assistance claims and affirm his conviction.

**AFFIRMED.**